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10/085,454	02/27/2002	David W. Nelms	252205 (DSC-7A)	1815

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180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 53 and 54 are rejected under 35 U.S.C. 102(e) as anticipated by Smith, US007065195B1.
2. Smith teaches card comprising a first surface (figure 1A) and a second surface (figure 1B); a magnetic stripe 118 extending along the first surface in a first direction; and an edge. The edge comprising a first and a second spaced apart points, wherein the first and second points being along a line substantially parallel to the first direction and tangent to the card. Each of the first and second points are spaced from the magnetic stripe by a first distance and a segment (notch) between the first and second points, wherein at least a portion of the segment being spaced from the magnetic stripe by less than the first distance.



(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weatherford, Canadian Patent 2,300,241. Weatherford teaches an asymmetrical shaped card 14 for use with an electronic payment mechanism. The card 14 has an upper surface (figures 2 and 3) and a lower surface (figure 4). wherein each of the surfaces defines a surface area on oppositely oriented front and back faces of the card. Each of the surfaces being asymmetrically shaped with respect to a vertical and horizontal centerline along the surface. The also card has a magnetic stripe 26 along one of the surfaces, wherein the magnetic stripe 26 containing

information relating to card or the user of the card. Weatherford does not teach the card having a first card end with at least one arcuate portion formed of a first card radius, wherein the magnetic stripe extends to the arcuate portion. Since the applicant does not disclose that a card with a arcuate portion solves any stated problem or is for any particular purpose, it appears that a card with any suitable shaped end as taught by Weatherford would perform equally well in displaying information and retaining a magnetic stripe to store machine readable information.

4. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarons, US20020020740 in view of Montogue, US20010042009.

Aarons teaches a transaction card comprising a front and rear surface, a magnetic stripe and arcuate side edge portions, wherein the magnetic stripe extends to the side edge portion. Aarons does not teach a aperture spaced from the center of the card. Montogue teaches a non-circular shaped card 60 (figure 3), wherein the card has an upper surface (figure 3) and a lower surface (figure 4), each of the surfaces defining a surface area on oppositely oriented front and back faces of the card. Each of the surfaces being shaped with respect to a centerline along the surface, wherein the card may have a magnetic stripe along one of the surfaces. (paragraph 121). The magnetic stripe and contain information relating to a person associated with the card. The card has a first card end with at least one arcuate portion formed of a first card radius and the card has an aperture 76 formed therein wherein the aperture is spaced from the centerline along the surface of the card. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the card taught by Aarons with an aperture spaced from the centerlines thereof to provide a means to attach a tether thereto for securing the card to a support surface.

Response to Arguments

5. Applicant's arguments with respect to claims 32, 40, and 53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
February 4 2007